



## **FEDERAL MARITIME COMMISSION**

### **Agency Information Collection Activities: 60-Day Public Comment Request**

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of our continuing effort to reduce paperwork and respondent burden, and as required by the Paperwork Reduction Act of 1995, the Federal Maritime Commission (Commission) invites comments on the continuing information collections (extensions with no changes) listed below in this notice.

**DATES:** Written comments must be submitted on or before August 20, 2014.

**ADDRESSES:** Address all comments to:

Vern W. Hill, Managing Director  
Office of the Managing Director  
Federal Maritime Commission  
800 North Capitol Street, N.W.  
Washington, DC 20573  
Phone: (202) 523-5800  
Email: [omd@fmc.gov](mailto:omd@fmc.gov)

Please send separate comments for each specific information collection listed below. You must reference the information collection's title and OMB number in your comments.

**FOR FURTHER INFORMATION CONTACT:** Copies of the information collections and instructions, or copies of any comments received, may be obtained by contacting Donna Lee on (202) 523-5800 or email at [dlee@fmc.gov](mailto:dlee@fmc.gov).

## **SUPPLEMENTARY INFORMATION:**

### **Request for Comments**

The Commission, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the continuing information collections listed in this notice, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Comments submitted in response to this notice will be included or summarized in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments are part of the public record and subject to disclosure. Please do not include any confidential or inappropriate material in your comments. We invite comments on: (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

### **Information Collections Open for Comment**

*Title:* 46 CFR Part 565 – Controlled Carriers.

*OMB Approval Number:* 3072-0060 (Expires September 30, 2014).

*Abstract:* Section 9 of the Shipping Act of 1984, 46 U.S.C. 40701-40706, requires that the Commission monitor the practices of controlled carriers to ensure that they do not maintain rates or charges in their tariffs and service contracts that are below a level that is just and reasonable; nor establish, maintain or enforce unjust or unreasonable classifications, rules or regulations in those tariffs or service contracts which result or are likely to result in the carriage or handling of cargo at rates or charges that are below a just and reasonable level. 46 CFR Part

565 establishes the method by which the Commission determines whether a particular ocean common carrier is a controlled carrier subject to section 9 of the Shipping Act of 1984. When a government acquires a controlling interest in an ocean common carrier, or when a controlled carrier newly enters a United States trade, the Commission's rules require that such a carrier notify the Commission of these events.

*Current Actions:* There are no changes to this information collection, and it is being submitted for extension purposes only.

*Type of Review:* Extension.

*Needs and Uses:* The Commission uses these notifications in order to effectively discharge its statutory duty to determine whether a particular ocean common carrier is a controlled carrier and therefore subject to the requirements of section 9 of the Shipping Act of 1984.

*Frequency:* The submission of notifications from controlled carriers is not assigned to a specific time frame by the Commission; they are submitted as circumstances warrant. The Commission only requires notification when a majority portion of an ocean common carrier becomes owned or controlled by a government, or when a controlled carrier newly begins operation in any United States trade.

*Type of Respondents:* Controlled carriers are ocean common carriers which are owned or controlled by a government.

*Number of Annual Respondents:* It is estimated that 4 of the currently classified controlled carriers may respond in any given year. Classifications are reviewed periodically to determine current status of respondents and to increase or decrease the number of controlled carriers based on new circumstances. The Commission cannot anticipate when a new carrier

may enter the United States trade; therefore, the number of annual respondents may fluctuate from year to year and could increase to 10 or more at any time.

*Estimated Time Per Response:* The estimated time for compliance is 7 person-hours per year.

*Total Annual Burden:* The Commission estimates the person-hour burden required to make such notifications at 28 person-hours per year.

*Title:* 46 CFR Part 525 – Marine Terminal Operator Schedules and Related Form FMC-1.

*OMB Approval Number:* 3072-0061 (Expires September 30, 2014).

*Abstract:* Section 8(f) of the Shipping Act of 1984, 46 U.S.C. 40501(f), provides that a marine terminal operator (MTO) may make available to the public a schedule of its rates, regulations, and practices, including limitations of liability for cargo loss or damage, pertaining to receiving, delivering, handling, or storing property at its marine terminal. The Commission's rules governing MTO schedules are set forth at 46 CFR Part 525.

*Current Actions:* There are no changes to this information collection, and it is being submitted for extension purposes only.

*Type of Review:* Extension.

*Needs and Uses:* The Commission uses information obtained from Form FMC-1 to determine the organization name, organization number, home office address, name and telephone number of the firm's representatives and the location of MTO schedules of rates, regulations and practices, and publisher, should the MTOs determine to make their schedules available to the public, as set forth in section 8(f) of the Shipping Act.

*Frequency:* This information is collected prior to an MTO's commencement of its marine terminal operations.

*Type of Respondents:* Persons operating as MTOs.

*Number of Annual Respondents:* The Commission estimates the respondent universe at 29, of which 15 opt to make their schedules available to the public.

*Estimated Time Per Response:* The time per response for completing Form FMC-1 averages 0.5 person hours, and approximately 5 person-hours for related MTO schedules.

*Total Annual Burden:* The Commission estimates the total person-hour burden at 90 person-hours.

*Title:* 46 CFR Part 520 – Carrier Automated Tariffs and Related Form FMC-1.

*OMB Approval Number:* 3072-0064 (Expires September 30, 2014).

*Abstract:* Except with respect to certain specified commodities, section 8(a) of the Shipping Act of 1984, 46 U.S.C. 40501(a)-(c), requires that each common carrier and conference shall keep open to public inspection, in an automated tariff system, tariffs showing its rates, charges, classifications, rules, and practices between all ports and points on its own route and on any through transportation route that has been established. In addition, individual carriers or agreements among carriers are required to make available in tariff format certain enumerated essential terms of their service contracts. 46 U.S.C. 40502. The Commission is responsible for reviewing the accessibility and accuracy of automated tariff systems, in accordance with its regulations set forth at 46 CFR Part 520.

*Current Actions:* There are no changes to this information collection, and it is being submitted for extension purposes only.

*Type of Review:* Extension.

*Needs and Uses:* The Commission uses information obtained from Form FMC-1 to ascertain the location of common carrier and conference tariff publications, and to access their provisions regarding rules, rates, charges and practices.

*Frequency:* This information is collected when common carriers or conferences publish tariffs.

*Type of Respondents:* Persons desiring to operate as common carriers or conferences.

*Number of Annual Respondents:* The Commission estimates there are 4,900 Carrier Automated Tariffs. It is estimated that the number of annual respondents will be 1,882.

*Estimated Time Per Response:* The time per response ranges from 0.1 to 2 person-hours for reporting and recordkeeping requirements contained in the rules, and 0.5 person-hours for completing Form FMC-1.

*Total Annual Burden:* The Commission estimates the total person-hour burden at 2,735 person-hours.

*Title:* 46 CFR Part 530 – Service Contracts and Related Form FMC-83.

*OMB Approval Number:* 3072-0065 (Expires September 30, 2014).

*Abstract:* Section 8(c) of the Shipping Act of 1984, 46 U.S.C. 40502, requires service contracts, except those dealing with bulk cargo, forest products, recycled metal scrap, new assembled motor vehicles, waste paper or paper waste, and their related amendments and notices to be filed confidentially with the Commission.

*Current Actions:* There are no changes to this information collection, and it is being submitted for extension purposes only.

*Type of Review:* Extension.

*Needs and Uses:* The Commission monitors service contract filings for acts prohibited by the Shipping Act of 1984.

*Frequency:* The Commission has no control over how frequently service contracts are entered into; this is solely a matter between the negotiating parties. When parties enter into a service contract, it must be filed with the Commission.

*Type of Respondents:* Parties that enter into service contracts are ocean common carriers and agreements among ocean common carriers on the one hand, and shippers or shipper's associations on the other.

*Number of Annual Respondents:* The Commission estimates an annual respondent universe of 103.

*Estimated Time Per Response:* The time per response ranges from 0.1 to 1 person-hours for reporting and recordkeeping requirements contained in the rules, and 0.1 person-hours for completing Form FMC-83.

*Total Annual Burden:* The Commission estimates the total person-hour burden at 74,721 person-hours.

*Title:* 46 CFR Part 531 – NVOCC Service Arrangements and Related Form FMC-78.

*OMB Approval Number:* 3072-0070 (Expires September 30, 2014).

*Abstract:* Section 16 of the Shipping Act of 1984, 46 U.S.C. 40103, authorizes the Commission to exempt by rule “any class of agreements between persons subject to this part or any specified activity of those persons from any requirement of this part if the Commission finds that the exemption will not result in substantial reduction in competition or be detrimental to commerce. The Commission may attach conditions to an exemption and may, by order, revoke an exemption.” 46 CFR Part 531 allows non-vessel-operating common carriers (NVOCCs) and shippers’ associations with NVOCC members to act as shipper parties in NVOCC Service Arrangements (NSAs), and to be exempt from certain tariff publication requirements of the Shipping Act provided the carriage in question is done pursuant to an NSA filed with the Commission and the essential terms are published in the NVOCC’s tariff.

*Current Actions:* There are no changes to this information collection, and it is being submitted for extension purposes only.

*Type of Review:* Extension.

*Needs and Uses:* The Commission uses filed NSAs and associated data for monitoring and investigatory purposes and, in its proceedings, to adjudicate related issues raised by private parties.

*Frequency:* The filing of NSAs is not assigned a specific time by the Commission; NSAs are filed as they may be entered into by private parties. When parties enter into an NSA, it must be filed with the Commission.

*Type of Respondents:* Parties that enter into NSAs are NVOCCs and shippers' associations with NVOCC members.

*Number of Annual Respondents:* The Commission estimates an annual respondent universe of 79.

*Estimated Time Per Response:* The time per response ranges from 0.1 to 1 person-hours for reporting and recordkeeping requirements contained in the rules, and 1 person-hour for completing Form FMC-78.

*Total Annual Burden:* The Commission estimates the total person-hour burden at 895 person-hours.

Karen V. Gregory  
Secretary

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